GOVERNMENTOFANDHRAPRADESH
ABSTRACT

MINES & MINERALS – Review of Sand Policy in the State – Substitution of Rule 9-B of APMMC Rules, 1966 for implementing the stringent measures prohibiting sale/ illegal quarrying/transportation of sand– Orders-Issued.

INDUSTRIES AND COMMERCE (MINES-II) DEPARTMENT

G.O.MS.No. 42 Dated: 29-03-2016
Read the following:

1) A.P Minor Mineral Concession Rules, 1966.
2) G.OMs.No.35, Ind. & Com (Mines-II) Dept., Dt:14.03.2016.

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OR DER:-

The Government reviewed the status of Sand Policy in the State and hereby decide to substitute the Rules 9-B of A.P Minor Mineral Concession Rules, 1966.

2) Accordingly, the following Notification shall be published in the extra-ordinary issue of the Andhra Pradesh Gazette, dt.29.03.2016.

NOTIFICATION

In supersession of the orders issued in G.O.Ms.Nos.35, Industries & Commerce (M.II) Department, Dt.14.03.2016 and in exercise of the powers conferred under sections 21 (2),22, 23 and 23(c) of MMDR Act, 1957, the Government hereby makes the following amendment to the Andhra Pradesh Minor Mineral Concession Rules, 1966, regarding measures to be taken against the persons, who are involved in sale / illegal / un-authorized excavation of sand in prohibited areas, trading and selling of sand, charging beyond cost of transportation and excavation, usage of machinery and vehicles involving in un-authorized excavation and transportation of sand to other States.

AMENDMENT

(1) In the said Rules, for Rule 9-B, the following shall be substituted:

"9-B (1) In the case of the vehicles engaged in illegal/ un-authorized excavation in the prohibited areas (i.e. within 500 mts from the Ground water structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State, shall be penalized as follows:

VehicleType	**Punishment for the offence**
Tractor	Penalty of Rs.1,00,000/-and Confiscation of the vehicle and imprisonment of vehicle operator as well as owner up to two years.
Lorry/Tipper/Truck or any such vehicle upto or above 10Tons Capacity	

Contd..

(2) Whenever any person extracts sand or has extracted sand in the areas other than those notified for lawful excavation ,or uses sand for filling purpose or any purpose other than in Mortar for construction, the officer authorizedin this behalf under sub rule (7) shall assess such quantity of sand and levy and collect@ Rs.2,000/-per cubic metre of sand or Rs.2.00 lakhs whichever is higher, as penalty.

(3) If any stocks of sand beyond a person's a reasonable requirement is stocked / hoarded / black marketed, it shall be seized by the officer authorized in this behalf under sub rule (7). The person in whose possession such stocks of sand is found shall be punishable with imprisonment up to 2 years and a fine of Rupees Two Lakhs. Such seized sand stocks shall be allotted for any Government works, after obtaining an order from the competent court.

(4) If a person or group/s or any entity attempts to monopolize or monopolizes sand reaches, prevents others from accessing the sand reach or pathways to sand reaches, or prevents others from using their choice of transport or insists that a particular mode of transport shall be used or collects charges more than reasonable cost of excavation or transport charges in respect of any sand reach, the person/s responsible for such act or acts shall be punishable with imprisonment of up to two years and a fine of Rupees Two Lakh.

(5) If a person or groups or entity utilizes sand for sale and profiteering thereby, person/s responsible for such act or acts shall be punishable with imprisonment up to two years and a fine of Rupees Two Lakh.

(6) Confiscation of vehicles/machinery/equipment:-

(i) No order of confiscation of any vehicle/ machinery / equipment shall be made unless the person from whom the vehicle / machinery / equipment is seized is given:

a) A notice in writing at the address provided in the records of the Transport Department.

b) An opportunity of making a representation in writing and in person within (15) days from the date of service of notice.

(ii) An officer who confiscates any vehicle/machinery/equipment shall submit a report of such confiscation to the competent Court.

(iii) The vehicle/machinery/equipment along with the sand confiscated shall be kept in the custody of Station House Officer/Motor Vehicle Inspector/ADMG concerned/ Tahsildar until an order of the Competent Court directing its disposal is received.

Contd..

(7) Officers not below the rank of Sub-Inspector of Police or Deputy Tahsildar or the Royalty Inspector of Mines & Geology Department shall be competent to exercise powers as stated under sub-rules (1) to (6) above.

(8) The Director of Mines & Geology, Andhra Pradesh, Hyderabad shall maintain a website and call center for the purposes of receiving complaints from the public of any violations of rules committed by any person.

3. All the Collectors & District Magistrates / Commissioners of Police / Superintendents of Police / Director of Mines & Geology shall take necessary action, accordingly.

[BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH]

M. GIRIJA SHANKAR
SECRETARY TO GOVERNMENT (M&G AND FP)(FAC)

To
The Commissioner of Printing, Stationery & Stores Purchases (Printing Wing), Andhra Pradesh, Hyderabad. (He is requested to publish the above Notification in the Extra Ordinary issue of A.P. Gazette, with immediate effect and arrange to send 500 copies of the same to the Government in Industries & Commerce(M.II) Department)
The Director General of Police ,A.P., Hyderabad.
The Director of Mines & Geology, A.P., Hyderabad.
All the Collectors & Dist. Magistrates in the State of A.P.
All the Superintendents of Police in the State.
All the Commissioners of Police in the State.
The Chief Executive Officer, SERP, A.P.,Hyderabad.
All JDs/DDs/Ads of Mines & Geology Department in the State **through** the DMG, AP, Hyd.
The Water Resource Department /Home Department/ T.R.&B.Dept./ P.R.&R.D/Revenue Departments.

Copy to:
All Departments in AP Secretariat.
The PS to Secy. (Mines), I&C Dept.
The PS to CS
The PS to M(M&G)
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Sf/Sc.